IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

RALPH ALVARADO §
v. § CIVIL ACTION NO. 6:10cv98
STATE BAR OF TEXAS, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND ENTERING FINAL JUDGMENT

The Plaintiff Ralph Alvarado, an inmate of the Texas Department of Criminal Justice, Correctional Institutions Division proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The named defendants in the lawsuit are the State Bar of Texas and the Tyler Division of the U.S. District Court for the Eastern District of Texas.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed. The Magistrate Judge noted that Alvarado has previously filed three lawsuits or appeals which were dismissed as frivolous, and so he is subject to the "three strikes" bar of 28 U.S.C. §1915(g). Because Alvarado did not pay the full filing fee or show that he is in imminent danger of serious physical injury, the Magistrate Judge recommended that *in forma pauperis* status be revoked and that the lawsuit be dismissed with prejudice as to its refiling *in forma pauperis*, but without prejudice as to its refiling upon payment of the full filing fee.

Alvarado filed objections to the Magistrate Judge's Report on May 27, 2010. These objections say that he suffers from mental illness, that he was assaulted at an unknown time,

resulting in the breakout by force of the device chip in his head, and that he has set forth a claim

against an official who steals or embezzles. He made no mention of the "three strikes" provision or

otherwise allude to the basis for the recommended dismissal of his claims.

The Court has conducted a careful de novo review of the pleadings in this case, the Report

of the Magistrate Judge, the Plaintiff's objections thereto, and all other pleadings, documents, and

records in the case. Upon such de novo review, the Court has concluded that the Report of the

Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate

Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice

as to the refiling of another in forma pauperis lawsuit raising the same claims as herein presented,

but without prejudice to the refiling of this lawsuit without seeking in forma pauperis status and

upon payment of the full \$350.00 filing fee. Should the Plaintiff pay the full filing fee within 15

days after the date of entry of final judgment in this case, he shall be allowed to proceed as though

the full filing fee had been paid from the outset. It is further

ORDERED that the Plaintiff's in forma pauperis status is hereby REVOKED. Finally, it is

hereby

ORDERED that any and all motions which may be pending in this civil action are hereby

DENIED.

SIGNED this 9th day of June, 2010.

MICHAEL H. SCHNEIDER

UNITED STATES DISTRICT JUDGE

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